

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**DAVID FRAZIER, II, d/b/a  
FRAZIER'S PAWN SHOP,**

**Petitioner,**

**v.**

**Civil Action No. 3:19-cv-00208**

**MICHAEL F. FRONCZAK,  
Director of Industry Operations  
Washington Field Division  
Bureau of Alcohol, Tobacco,  
Firearms and Explosives  
90 K Street, N.E., Suite 1102  
Washington, DC 20226**

**Respondent.**

**NOTICE OF FILING OF ADMINISTRATIVE RECORD**

Respondent, Michael Fronczak, Director of Industry Operations, Washington Field Division, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), by and through its attorneys, William J. Powell, United States Attorney for the Northern District of West Virginia, and Erin K. Reisenweber, Assistant United States Attorney, hereby files a certified copy of the agency Administrative Record, consisting of the following:

- I. Transcript of Administrative Hearing held on August 21, 2019
- II. Government Exhibits
  - G-1 Notice to Deny Application for License, dated January 29, 2019
  - G-2 Email - Request for a Hearing, dated February 14, 2019
  - G-3 Notice of Hearing, dated March 25, 2019
  - G-4 Amended Notice of Hearing, dated April 23, 2019

- G-5 CD – Frazier’s Controlled Monitorings (To be filed *in camera* with the court)
  - G-6 Hoffman Straws – ATF Form 4473 w/ Receipts (8 pages)
  - G-7 Acknowledgement of Federal Firearms Regulations, dated June 30, 2009
  - G-8 Acknowledgement of Federal Firearms Regulations, dated May 7, 2010
  - G-9 Acknowledgement of Federal Firearms Regulations, dated March 14, 2012
  - G-10 Warning Conference Letter, dated July 11, 2012 (6 pages)
  - G-11 Acknowledgement of Federal Firearms Regulations, dated November 4, 2014
  - G-12 Documents Provided to and Reviewed with the FFL, dated November 4, 2014
  - G-13 ATF Forms 4473 (27 C.F.R. § 478.21(a)) (87 pages)
  - G-14 ATF Forms 4473 (27 C.F.R. § 478.124(c)(1)) (111 pages)
  - G-15 ATF Forms 4473 (27 C.F.R. § 478.124(c)(3)(i)) (15 pages)
  - G-16 ATF Forms 4473 (27 C.F.R. § 478.124(c)(3)(iv)) (96 pages)
  - G-17 ATF Forms 4473 (27 C.F.R. § 478.124(c)(4)) (3 pages)
  - G-18 ATF Forms 4473 (27 C.F.R. § 478.124(c)(5)) (12 pages)
  - G-19 ATF Forms 4473 (27 C.F.R. § 478.126(a)) (9 pages)
  - G-20 ATF Forms 4473 (27 C.F.R. § 478.102(a)) (3 pages)
- III. Licensee Exhibits
- A-1 Frazier’s Computer Printout & ATF Form 4473 (6 pages)
  - A-2 Analysis Report from 01/01/2018 to 12/31/2018 (31 pages)
- IV. Final Notice of Denial Of Application, dated October 8, 2019 (12 pages)
- V. Stay of Effective Date of Final Notice to Deny Application for License, dated October 31, 2019 and Extensions of Stay of Effective Date of Final Notice to Deny

Application for License, dated January 21, 2020; February 21, 2020; March 19, 2020; April 21, 2020; May 19, 2020.

VI. Certification of Administrative Record, by Michael Fronczak

Respectfully Submitted,

WILLIAM J. POWELL  
UNITED STATES ATTORNEY

By: Erin K. Reisenweber  
Erin K. Reisenweber  
Assistant United States Attorney  
217 West King Street, Suite 400  
Martinsburg, West Virginia 25401  
(304) 262-0590 Telephone  
(304) 262-0591 Fax  
[Erin.Reisenweber@usdoj.gov](mailto:Erin.Reisenweber@usdoj.gov)